

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA

§

VS

§

NO. 5:18-CR-00525-OLG-1

§

LEO EDWARD FERNANDEZ

§

§

MOTION TO WITHDRAW AS ATTORNEY OF RECORD

COMES NOW ALAN BROWN, Attorney, and in accordance with the Code of Professional Responsibility of the State Bar of Texas, moves that he be permitted to withdraw as attorney of record for **LEO EDWARD FERNANDEZ** in the above-entitled and numbered cause and in support thereof would show unto the Court as follows:

I.

The Honorable ALAN BROWN has been established as Counsel in the above-entitled and numbered cause.

II.

The defendant entered Plea Agreement and was Sentenced on September 03,2021.

III.

On February 08, 2022, the Defendant entered a Pro Se Motion to Notice of Appeal with this Court. The Defendant did so without consulting the Undersigned. Had the Defendant consulted with the Undersigned, Counsel would have informed the Defendant that, in his opinion, the Defendant's Pro Se Notice of Appeal is well past the fourteen (14) day deadline set by FED R APP. P. 4 (b) (1) (A).

IV.

The Undersigned was appointed and prepared for proceedings by Trial or Plea only. The Undersigned believes that he is not able to provide effective legal counsel to the Defendant for any Appeal proceedings on this case. The Undersigned is of the opinion that it is in the Defendant's best interest to hire another attorney or request the Court to appoint another one by the court.

V.

That ALAN BROWN is no longer being appointed to case by the CJA Panel and believes he has fulfilled his obligation insofar as his representation through Plea and Final Disposition. The undersigned was not consulted or retained by the Defendant to handle any possible Appeal proceedings.

VI.

Additionally, the undersigned recently underwent a medical procedure and is currently under travel restrictions from his doctor. This restriction further prevents counsel from providing effective counsel and therefor the undersigned respectfully request to withdraw as attorney of record.

WHEREFORE, premises considered, in light of the aforementioned factors, the undersigned respectfully requests permission to withdraw as attorney of record in this cause and respectfully request for the Court to allow the defendant to hire another attorney or for one to be appointed.

Respectfully submitted,

LAW OFFICES OF ALAN BROWN
222 MAIN PLAZA
SAN ANTONIO, TEXAS 78205
(210) 227-5103 (O)
(210) 225-2481 (FAX)
federal@alanbrownlawoffices.com

/S/

ALAN BROWN
STATE BAR NO. 03090000

ATTORNEY FOR THE DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of March 2022, I electronically filed the foregoing with the Clerk of Court using the CE/ECF and or EMIAL system which will send notification of such filing to the following:

U.S. Attorney's Office
601 NW Loop 410, Suite 600
San Antonio, Texas 78216

Office of the Clerk
U.S. Court of Appeals, 5th Circuit
600 S. Maestri Place
New Orleans, LA 70130-3408

/S/

ALAN BROWN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
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LEO EDWARD FERNANDEZ

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ORDER

On this day came on for consideration the Motion to Withdraw as Attorney of Record.

After consideration of same, this court is of the opinion that said motion be

GRANTED or DENIED.

IT IS HEREBY ORDERED THAT: _____

SIGNED and ENTERED on this the ____ day of _____, 2022.

US DISTRICT JUDGE